

C. REMARKS

Status of the Claims

Claims 1, 5, and 20 are currently pending. Claims 6-19 are canceled. Claims 1 and 5 are amended and claim 20 is newly added.

In this Amendment, Applicants has amended claims 1 and 5 and canceled claims 6-19 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 1-19, prior to this Amendment, is not patentable over the art cited by the Examiner. Claims 1 and 5 were amended and claims 6-19 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed in claims 1-19, as presented prior to this Amendment and additional claims in one or more continuing applicants.

Rejection under 35 USC 101 no longer applicable

The Office Action rejects claims 11-13 and 18-19 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. [Office Action, p. 2] Regardless of whether this rejection is correct, Applicants have canceled claims 11-13 and 18-19 and therefore the rejection under 35 USC 101 is no longer applicable.

Alleged Anticipation under 35 USC 102(e)

The Office Action rejects claims 1-19 under 35 USC 102(e) as being anticipated by Arberg et al. (US Publication 2005/0105529) (herein referred to as Arberg) [Office Action, p. 3] Applicants have canceled claims 6-19 and traverse the rejection of pending claims 1-5 under 35 USC 102(e).

Under 35 USC 102(e) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Applicants respectfully assert that Arberg does not anticipate claims 1-5 because Arberg does not qualify as a prior art reference under 102(e).

Section (a) of 37 CFR 1.131 requires that when any claim of an application is rejected, the inventor of the subject matter of the rejected claim or the party qualified under sections 1.42, 1.43 or 1.47 may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference on which the rejection is based. Applicants file an affidavit under 37 CFR 1.131 signed by a legal representative with power of attorney from both the inventors and assignee that states facts that show that prior to or on April 17, 2003, the inventor had completed the conception of the subject matter of at least independent claim 1 and additionally dependent claims 2-5. Arberg was not provisionally filed until October 31, 2003. Therefore, in view of the affidavit under 37 CFR 1.131, the conception of the present invention is prior to the filing date of Arberg and Arberg cannot be used as prior art under 102(e).

However, even if Arberg were available as prior art under 102(e), regardless of whether the Examiner's previous rejection is correct under Arberg, Applicants amend claim 1 to clearly teach claimed elements which are not taught or enabled by Arberg. In particular, claim 1 currently reads:

Claim 1 (Currently Amended): A method for modifying a Dynamic Host Configuration Protocol (DHCP) server configuration for a dynamically configured system within a network, comprising:

receiving a request from a first system to register for a lease time modification privilege at a daemon of said DHCP server, wherein said first system is an installation server for installing software on at least one dynamically configured system independent from said DHCP server, wherein said daemon of said DHCP server allows a plurality of systems to each register for at least one of a plurality of types of modification privileges at said DHCP server;

responsive to said first system qualifying for modification privileges, storing by said daemon a record of said registration at said DHCP server for authenticating any modify packets received from said first system;

receiving a first modify packet from [[a]] said first system [[at a]] by said daemon of said DHCP server which manages a stored configuration file specifying a dynamic internet protocol (IP) address for [[a]] said dynamically configured system, wherein said first modify packet requests an extension of a lease time of said dynamic IP address for said dynamically configured system for a duration of an installation on said dynamically configured system by said first system; and

responsive to said daemon confirming said first system as registered with said DHCP server, modifying by a service controller of said DHCP server said stored configuration file for said dynamically configured system according to said first modify packet received from said first system, such that said first system is enabled to request modification of said a DHCP server configuration file for [[a]] said dynamically configured system to maintain a same address for said dynamically configured system during said installation and said DHCP server controls the modification of said configuration file.

First, with regard to the claimed amendments, Applicants respectfully assert that no new matter is added through the amendments to the claims because the specification fully supports each of the amended claim elements. As to receiving a request from a first system to register for a lease time modification privilege at a daemon of said DHCP server, wherein said first system is an installation server for installing software on at least one dynamically configured system independent from said DHCP server, wherein said daemon of said DHCP server allows a plurality of systems to each register for at least one of a plurality of types of modification privileges at said DHCP server, the specification teaches each of these elements throughout, and for example, in paragraphs 0037, 0038, 0041, 0042, 0048, and 0049. As to responsive to said first system qualifying for modification privileges, storing by said daemon a record of said registration at said DHCP server for authenticating any modify packets received from said first system, the specification teaches each of these elements throughout, and for example, in paragraphs 0048 and 0049. As to receiving a first modify packet from said first system by said daemon of said DHCP server which manages a stored configuration file specifying a dynamic internet protocol (IP) address for said dynamically configured system, wherein said first modify packet requests an extension of a lease time of said dynamic IP address for said dynamically configured system for a duration of an installation on said dynamically configured system by said first system, the specification teaches each of these elements throughout, and for example, in paragraphs 0035, 0036, 0042, and 0047. As to responsive to said daemon confirming said first system as registered with said DHCP server, modifying by a service controller of said DHCP server said stored configuration file for said dynamically configured

system according to said first modify packet received from said first system, such that said first system is enabled to request modification of said configuration file for said dynamically configured system to maintain a same address for said dynamically configured system during said installation and said DHCP server controls the modification of said configuration file, the specification teaches each of these elements throughout, and for example, in paragraphs 0036, 0042, 0051, and 0052.

Second, with regard to the claimed amendments, even if Arberg could apply under 102(e), Arberg does not teach the claimed elements.

In particular, as to the element of receiving a request from a first system to register for a lease time modification privilege at a daemon of said DHCP server, wherein said first system is an installation server for installing software on at least one dynamically configured system independent from said DHCP server, wherein said daemon of said DHCP server allows a plurality of systems to each register for at least one of a plurality of types of modification privileges at said DHCP server, Applicants submit that Arberg does not teach or enable each of the claimed elements because Arberg does not teach or enable receiving a request from a first system where the first system is an **installation server for installing software**. In addition, Arberg does not teach these claimed elements because Arberg does not teach receiving the request at a **daemon** of the DHCP server where the **daemon allows each of multiple systems to register for one of multiple types of modification privileges with the DHCP server**.

As to the elements only of “receiving a request from said first system to register for modification privileges at said DHCP server” as previously taught in claim 2, the Office Action cited paragraph 0036 of Arberg as reading on these elements, and as describing “the network element requesting and using optional authentication, authorization, and accounting (AAA) services using RADIUS”. [Office Action, p. 4] Applicants respectfully note that in paragraphs 0005, 0009, 0023, 0029, and 0036 of Arberg describes a network element which previously served as a relay interface for connecting clients to a DHCP server is adapted to act as a proxy interface for a DHCP server, such that the network element detects a DHCP broadcast message by a client in the network, and provides a proxy interface on behalf of the DHCP server. Thus,

Applicants note that when Arberg is considered as a whole, Arberg specifies a network architecture in which the relay agent adjusts the IP address in a DHCP request so that “The client 303 has a valid IP address and client 303 knows the IP address of network element 301, and considers network element 301 as a DHCP server.” *Arberg*, paragraph 0033. In addition, with regard to the specific description in paragraph 0036 of Arberg, the paragraph specifically teaches “when network element 401 receives packet 404, network element 401 may perform optional AAA processes with RADIUS 407, particularly when the DHCP proxy functionality is configured as a per subscriber basis. This network element forwards the packet to an outlet interface IF3 which will forward the packet to the DHCP 402” and paragraph 0069 clarifies that “when network element 1001 receives a DHCP discovery request from client or subscriber 1002, network element 1001 authenticates client 1002 for a valid connection via RADIUS 1003.” In view of the actual teaching of Arberg, it is clear that Arberg’s authentication of a client system through RADIUS at DHCP proxy does not teach or enable any system that requests to register for modification privileges with the DHCP server, and therefore Arberg does not teach or enable the previously claimed “receiving a request from a first system to register for modification privileges at said DHCP server” in dependent claim 2.

In addition, Applicants respectfully assert that regardless of whether this previous rejection of dependent claim 2 is correct, claim 1 is amended to clearly teach the DHCP server receiving a request from the first system to register for modification privileges, where the first system is an installation server for installing software. Arberg does not teach or enable the amended claim elements because Arberg’s network element, which is a network relay, or switch, does not teach or enable an installation server for installing software. In addition, Applicants respectfully submit that claim 1 is amended to clearly teach the DHCP server receiving the registration request at a daemon of the DHCP server that allows each of multiple systems to register for one of multiple types of modification privileges with the DHCP server. Arberg’s does not teach or enable the amended claim elements because Arberg’s describes an adapted relay switch to serve as a proxy interface for a DHCP server, but Arberg does not teach or enable a DHCP

server modified with a daemon to receive requests from multiple systems for one of multiple types of modification privileges.

In addition, with regard to the element of receiving a first modify packet from said first system by said daemon of said DHCP server which manages a stored configuration file specifying a dynamic internet protocol (IP) address for said dynamically configured system, wherein said first modify packet requests an extension of a lease time of said dynamic IP address for said dynamically configured system for a duration of an installation on said dynamically configured system by said first system, Applicants respectfully submit that Arberg does not teach or enable each of these elements, particularly when claim 1 is viewed as a whole. Applicants respectfully note that Arberg, paragraphs 0072-0074 describe the client system sending a DHCP lease renewal request, the network element checking the network element checking the subscriber session time left since the last DHCP lease time value was received from the DHCP server, and if the lease time is expiring, the network element forwards the lease request to DHCP for more lease time. As previously noted, Applicants respectfully submit that Arberg's relay proxy does not teach a first system which is an installation server as taught in claim 1. In addition, when claim 1 is considered as a whole, claim 1 teaches an installation server registering for modification privileges with the DHCP server and the installation server submitting a modify packet requesting an extension of the dynamic IP address lease time for another system while the installation server performs an installation on that another system using the dynamic IP address. Arberg's description of a relay switch between a client and DHCP server that also acts as a proxy interface to the DHCP server for determining whether to forward the client's DHCP lease time extension to the DHCP server, in contrast to claim 1, does not teach or enable (1) an installation server registering for modification privileges with a DHCP server; or (2) that installation server sending a modify packet to the DHCP server to extend the lease time of the dynamic IP address of a dynamically configured system for the duration of the installation of software on the dynamically configured system by the first system.

Therefore, in view of the foregoing, because Arberg does not teach and enable each and every element of claim 1, Arberg does not anticipate claim 1 under 35 USC 102(e). Because Arberg does not anticipate claim 1, Applicants respectfully request withdrawal of the rejection and allowance of the claim.

Claim 5

Claim 5 is a dependent claim of independent claim 1. Since Arberg does not anticipate claim 1, Arberg also does not anticipate dependent claim 5, which is dependent upon claim 1, and the claim should be allowed.

Newly Added Claim 20 Is Allowable

Applicants respectfully note that claim 20 is newly added, and fully supported by the specification, therefore no new matter is added through the amendment to the claim. In particular, the elements of claim 20 are taught throughout the specification, and for example, in paragraphs 0043 and 0044.

In addition, Applicants respectfully assert that Arberg does not teach each and every element of claim 20 because Arberg's relay switch that acts as a proxy interface to a DHCP server does not teach or enable a DNS server registered for modification privileges with a DHCP server or the DHCP server responding to modify packets from a DNS server to modify the hostname/MAC address pairings in the configuration file of the DHCP server. In view of the lack of teaching by Arberg or the other cited prior art of each and every element of claim 20, Applicants respectfully request allowance of claim 20 and entry of a timely notice of allowance.

Conclusion

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

No extension of time is believed to be necessary. If, however, an extension of time is required, the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

By /Amy J. Pattillo, Reg. No. 46,983/

AMY J. PATTILLO

Registration No. 46,983

P.O. BOX 161327

AUSTIN, TEXAS 78716

ATTORNEY FOR APPLICANTS

Telephone: 512-402-9820

Facsimile: 512-306-0417